CONCURRENCE COPY

CORONERS (AMENDMENT) BILL, 1978

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Justices (Amendment) Bill, 1978.

The objects of this Bill are—

(a) to remove the present requirement under the Coroners Act, 1960, that a specific direction be given as to the means to be used for recording the deposition of a witness at an inquest, inquiry or magisterial inquiry where that deposition is not recorded in writing (Schedule 1 (2)); and

(b) to make provisions of a minor or consequential nature.

454100 448—

CORONERS (AMENDMENT) BILL, 1978

No. , 1978.

A BILL FOR

An Act to amend the Coroners Act, 1960, so as to facilitate the taking of depositions at an inquest, inquiry or magisterial inquiry under that Act.

[MR MULOCK—8 *March*, 1978.]

45410C 448—

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Coroners (Amendment) Act, 1978". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commencement.

(2) Except as provided in subsection (1), this Act shall
10 commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Coroners Act, 1960, is amended in the manner set forth in Schedule 1. Amendment of Act No. 2, 1960.

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15 SCHEDULE 1. Sec. 3.

AMENDMENTS TO THE CORONERS ACT, 1960.

(1) Section 4 (2)—

At the end of section 4, insert :—

(2) For the purposes of this Act, a reference to depositions shall, where the depositions were recorded by a means
20 (other than writing) referred to in section 19 (1), be construed as a reference to a transcript certified in the manner prescribed by regulations made under the Justices Act, 1902, of the depositions so recorded.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CORONERS ACT, 1960—*continued.*

(2) Section 19 (1), (2)—

Omit the subsections, insert instead :—

5 (1) The deposition of every witness at an inquest, inquiry or magisterial inquiry shall be recorded by means of writing, shorthand, stenotype machine, sound-recording apparatus or any other means prescribed for the time being by regulations made under section 154 (1A) (b) of the 10 Justices Act, 1902.

(2) Where, for the purposes of subsection (1), the deposition of a witness is recorded by means of writing, it shall be read over either to or by the witness, as the coroner, justice or justices holding the inquest, inquiry or 15 magisterial inquiry may direct, and be signed by him and by the coroner, justice or justices, as the case may be.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978
[8c]

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AMENDMENTS TO THE CORONERS ACT, 1960—*continued.*

(2) Section 19 (1), (2)—

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(2) Where, for the purposes of subsection (1), the deposition of a witness is recorded by means of writing, it shall be read over either to or by the witness, as the coroner, justice or justices holding the inquest, inquiry or 15 magisterial inquiry may direct, and be signed by him and by the coroner, justice or justices, as the case may be.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978
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PROOF

CORONERS (AMENDMENT) BILL, 1978

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2. (1) This section and section 1 shall commence on the date of assent to this Act. Commencement.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Coroners Act, 1960, is amended in the manner set forth in Schedule 1. Amendment of Act No. 2, 1960.

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(1) Section 4 (2)—

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CORONERS ACT, 1960—*continued.*

(2) Section 19 (1), (2)—

Omit the subsections, insert instead :—

5 (1) The deposition of every witness at an inquest, inquiry or magisterial inquiry shall be recorded by means of writing, shorthand, stenotype machine, sound-recording apparatus or any other means prescribed for the time being by regulations made under section 154 (1A) (b) of the 10 Justices Act, 1902.

(2) Where, for the purposes of subsection (1), the deposition of a witness is recorded by means of writing, it shall be read over either to or by the witness, as the coroner, justice or justices holding the inquest, inquiry or 15 magisterial inquiry may direct, and be signed by him and by the coroner, justice or justices, as the case may be.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

CORONERS (AMENDMENT) ACT, 1978, No. 47

New South Wales

ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

* *

Act No. 47, 1978.

An Act to amend the Coroners Act, 1960, so as to facilitate the taking of depositions at an inquest, inquiry or magisterial inquiry under that Act. [Assented to, 3rd April, 1978.]

P 46626J (6c)

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the "Coroners (Amendment) Act, 1978".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 2, 1960.

3. The Coroners Act, 1960, is amended in the manner set forth in Schedule 1.

Sec. 3.

SCHEDULE 1.

AMENDMENTS TO THE CORONERS ACT, 1960.

(1) Section 4 (2)—

At the end of section 4, insert :—

(2) For the purposes of this Act, a reference to depositions shall, where the depositions were recorded by a means (other than writing) referred to in section 19 (1), be construed as a reference to a transcript certified in the manner prescribed by regulations made under the Justices Act, 1902, of the depositions so recorded.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CORONERS ACT, 1960—*continued.*

(2) Section 19 (1), (2)—

Omit the subsections, insert instead :—

(1) The deposition of every witness at an inquest, inquiry or magisterial inquiry shall be recorded by means of writing, shorthand, stenotype machine, sound-recording apparatus or any other means prescribed for the time being by regulations made under section 154 (1A) (b) of the Justices Act, 1902.

(2) Where, for the purposes of subsection (1), the deposition of a witness is recorded by means of writing, it shall be read over either to or by the witness, as the coroner, justice or justices holding the inquest, inquiry or magisterial inquiry may direct, and be signed by him and by the coroner, justice or justices, as the case may be.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

Government House,
Sydney, 3rd April, 1978.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

CORONERS (AMENDMENT) ACT, 1978, No. 47

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